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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/604,880

06/28/2000

Jeffrey Wheeler

95-427

6355

23164

7590

12/18/2003

LEON R TURKEVICH

2000 M STREET NW

7TH FLOOR

WASHINGTON, DC 200363307

EXAMINER

GROSS, KENNETH A

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/604,880

Applicant(s)

WHEELER ET AL.

Examiner

Kenneth A Gross

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response the Request for Reconsideration filed October 3<sup>rd</sup>, 2003.
2. Claims 1, 10, 14, and 23 remain rejected under 35 U.S.C. 102(e). Claims 2-9, 11-13, 15-22, and 24-26 remain rejected under 35 U.S.C. 103(a).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1, 10, 14, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Shieber et al. (U.S. Patent Number 6,138,098).

For specific rejections of Claims 1, 10, 14, and 23, see the office action mailed on July 3<sup>rd</sup>, 2003.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-9, 11-13, 15-22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shieber et al. (U.S. Patent Number 6,138,098) in view of Hancock et al. (U.S. Patent Number 6,397,283).

For specific rejections of Claims 2-9, 11-13, 15-22, and 24-26, see the office action mailed on July 3<sup>rd</sup>, 2003.

***Response to Arguments***

3. Applicant's arguments filed October 3<sup>rd</sup>, 2003 have been fully considered but they are not persuasive.

Specifically with regard to Claim 1 and corresponding claims, applicant Claims that Shieber et al. does not teach "receiving a generic command from a user", but rather a specific spoken command that is used to generate a candidate word phrase. However, the term 'generic' can be reasonably interpreted to represent any kind of command that belongs to a general group or class. In this case, the pre-interpreted command represents a generic command in that it belongs to an overall set of commands used to provide functionality to some program.

Furthermore, the applicant states that Shieber et al. does not teach, "issuing a prescribed command of a selected one of the management programs according to the corresponding

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command format, based on the identified one element”, but rather a method allowing a user to control a singer computer application at a time using spoken commands. While this is true, the claim language does not imply that the management program is selected by the command. The language specifies that the program only be selected. This selection can occur before the command is ever given. The command is then issued based on the identified one element that best matches the command.

With regard to claims 2-9, 11-13, 15-22, and 24-26, applicant states that it would not be obvious to combine the teachings of Shieber and Hancock because Shieber is directed towards speech recognition and Hancock is directed to interfacing with logical device drivers with a computer. Note that the titles for Shieber (“**COMMAND PARSING AND REWRITE SYSTEM**”) and Hancock (“**STRING COMMAND PARSER FOR MESSAGE BASED SYSTEMS**”) in themselves suggest a shared subject matter.

Furthermore, applicant argues that Hancock does not teach a translation table where “for each prescribed command word a corresponding token, for identification of a matching token”, but rather that the command table of  $m$  commands, where each command has  $n$  associated tokens. However, each one of the  $n$  tokens represents a string, where the tokens can be strung together to form a multiword command string (Figure 5). Hence, the multi-token string can be interpreted as one complete token, which is matched to the command in the table (Figure 7, items 169, 171, 173, and 175, and associated text).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG

  
**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**